

Sec. 9-29. Issuance of a grading permit.

Following approval of a grading plan and permit application under either section 9-27 or section 9-28, a grading permit shall be issued by the director of public services subject to the following conditions:

- (a) For a project requiring both a grading permit and a building permit, the two (2) permits shall be issued simultaneously. Exceptions to this general provision may be granted by the director of public services upon making one (1) of the following findings:
 - (1) The applicant will suffer undue hardship consisting of loss of use of his or her property.
 - (2) The impacts of grading such as erosion, vegetation disturbance, and visual scarring will be reduced by permitting grading before a building permit is approved.
 - (3) All planning entitlements pertaining to the use and construction of the entire site, including the grading plan, have been approved by the city, and the applicant has satisfied all the application requirements for a grading permit, paid the required fees and posted the required bonds.
 - (b) A grading permit to prepare a site for development of a new subdivision shall be issued only after the final subdivision map has been approved and recorded and the improvement plans have been approved by the city council, and a bond for the improvements has been posted with the city.
 - (c) A permit for grading for other projects, including geologic or geotechnical investigations and landslide repairs, may be issued at any time after the application has been approved.
 - (d) The proposed schedule allows sufficient time to complete the grading before the onset of wet weather (see section 9-31).
- (Ord. No. 854, § 1, 11-26-91)

Sec. 9-30. Grading inspections.

All grading inspections shall be made pursuant to requirements of chapter 70 of the Uniform Building Code as adopted by the city. The director

of public services will inspect work in progress and stop work that is not as approved. The city geologist will inspect as requested by the director of public services. Approved grading plans and the grading permit will be kept at the site. The permittee will notify the department of public services forty-eight (48) hours in advance of a required inspection. Grading inspections by the department of public services shall include at least the following:

- (a) *Initial.* Before grading commences and after construction stakes have been set.
- (b) *Rough grading:* When all rough grading has been completed.
- (c) *Final:* When all work has been completed and final report has been submitted, including:
 - (1) As-graded plan prepared by a registered civil engineer.
 - (2) Any required soil grading report prepared by licensed geotechnical engineer.
 - (3) Any required geologic grading report prepared by a certified engineering geologist.
 - (4) Any required report prepared by a certified arborist.

(Ord. No. 854, § 1, 11-26-91)

ARTICLE IV. STANDARDS AND SPECIFICATIONS

It is the intent of the city that all grading, whether requiring permit or not, shall be backfilled, re-compacted, planted for erosion control, and generally carried out according to standards and time limits contained herein.

Sec. 9-31. Weather limitations.

All required erosion control structures shall be in place by November 15. Grading shall neither be initiated nor continued during the winter rain period between November 15 and April 15 except under the following conditions:

- (a) Grading is for emergency purposes, utility service, or by the city as specified in section 9-21(a), (b) and (c); or
- (b) Grading is for a geologic or geotechnical investigation required by the city; or

(c) The director of public services determines, based on information submitted by the applicant, that very unusual circumstances pertain that warrant an exception and all of the following findings can be made:

- (1) All necessary erosion and sediment control structures are in place; and
- (2) The risk to the community of permitting the grading is less than in prohibiting it; and
- (3) A cash deposit of twenty-five hundred dollars (\$2,500.00) or such greater amount as deemed appropriate by the director of public services, has been deposited with the city to cover any potential cleanup, erosion control or restoration costs; and
- (4) A fee, in an amount to be determined by the city council, to cover staff time for application processing and field inspections has been paid.

(Ord. No. 854, § 1, 11-26-91)

Cross reference—Wet weather limitations, § 7-207.

Sec. 9-32. Hours and days of operation.

All grading shall be done between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, unless otherwise specifically authorized by the director of public services.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-33. Dust and dirt control.

All graded surfaces shall be wetted to prevent nuisance from blowing dust on city streets or adjacent properties. When required by the director of public services, water sprinkling equipment shall be maintained on the site during grading. All on-site haul routes must be oiled or treated frequently enough to contain earth materials and dust to prevent spillage on city streets or adjacent properties.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-34. Cut and fill slopes.

The slope of cut and fill surfaces shall be no steeper than safe for the intended use and shall be no steeper than 2 horizontal to 1 vertical, unless a geotechnical engineering or an engineering geology report approved by the city states that a cut or fill at a steeper slope will be stable, will not increase erosion, will not cause drainage problems, and will not otherwise create a hazard to

public or private property. A flatter slope may be required if a geotechnical engineering or engineering geology report approved by the director of public services states that a 2 horizontal to 1 vertical slope may be unstable, increase erosion, cause drainage problems, or otherwise create a hazard to public or private property.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-35. Fills.

(a) *Fill Location.* No fills shall be construed on natural slopes steeper than 2 horizontal to 1 vertical.

(b) *Fill Materials.* All fill shall be earth, rock or other inert, nonorganic, metal-free materials, except that topsoil spread on graded surfaces may incorporate humus for moisture retention. No rocks or similar irreducible material with a maximum dimension greater than six (6) inches shall be buried or placed in fills; except, the director of public services may permit the placement of larger rock when a geotechnical engineer properly devises a method of placement, continuously inspects the placement, and approves the fill stability. The following conditions also apply:

- (1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
- (2) Rock sizes greater than six (6) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically.
- (3) All voids around rocks are to be filled with properly compacted, approved fill material.

(c) *Ground Preparation.* The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and by scarifying to provide a bond with new fill.

(d) *Benches.* Where slopes are steeper than 5 horizontal to 1 vertical and height is greater than five (5) feet, the ground shall be prepared for fill by benching into sound bedrock or other competent material as determined by a geotechnical engineer or engineering geologist to the satisfaction of the director of public services and the city geologist. The bench under the toe of a fill shall be at least ten (10) feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut, the cut must be made before placing

fill and approved by the permittee's geotechnical engineer and engineering geologist as a competent and suitable foundation for the intended fill. (Ord. No. 854, § 1, 11-26-91)

9-36. Compaction of fills.

Fill intended to support structures or otherwise required to be stable shall be compacted, inspected and tested in accordance with the following provisions:

- (a) Unless otherwise directed by the director of public services, the fill shall be spread in a series of layers, each not exceeding six (6) inches in thickness and compacted by sheepsfoot roller or other approved method after each layer is spread.
 - (b) All portions of fills required to be compacted shall be compacted to a minimum of ninety (90) percent of maximum density as determined by UBC Standard No. 70-1. In-place density shall be determined in accordance with UBC Standard No. 70-2, 70-3, 70-4 or 70-5.
 - (c) The moisture content of the fill material shall be controlled at the time of spreading and compaction to obtain the required density.
 - (d) A written report of the compaction showing location and depth of test holes, materials used, moisture conditions, recommended soil bearing pressures, and relative density obtained from all tests, prepared by a geotechnical engineer, shall be submitted by the permittee and approved by the director of public services.
 - (e) When, in his or her opinion, site conditions or materials warrant, the director of public services may require additional tests and information, or delete any requirement contained in this section.
- (Ord. No. 854, § 1, 11-26-91)

Sec. 9-37. Backfilling.

All trenches or excavations made in any slope of an excavated or filled site shall be backfilled to the level of the surrounding grade. Such backfill shall be compacted to the original density of the excavated materials, but in no case less than ninety (90) percent of the maximum density as

determined by UBC Standard No. 70-1 or as specified by the director of public services. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-38. Stability of cut slopes.

No cut exceeding five (5) feet in depth shall be permitted unless a geotechnical or engineering geology report, signed by a California licensed geotechnical engineer or registered engineering geologist, concludes that the cut will not imperil the stability of the site or adjacent sites. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-39. Finished cuts and slopes.

The exposed or finished cuts or slopes of any fill or excavation shall be smoothly graded. No such fill, slope or cut shall exceed a vertical height of fifteen (15) feet unless specifically approved by the director of public services. If finished cuts or slopes in excess of fifteen (15) feet are permitted, intercepting drains or terraces are required as provided in section 9-41. All surface waters accumulated by such drains and terraces shall be conducted to an approved point of discharge. Any such terrace or intercepting drain shall be designed to prevent overflow which may cause erosion. All exposed slopes of any cut or fill subject to erosion shall be protected by approved planting, crib walls, terracing or a combination thereof. Graded surfaces exceeding six thousand (6,000) square feet shall be treated as provided in sections 9-41, 9-42 and 9-43. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-40. Setbacks.

The setbacks specified in this section are minimums and may be increased by the director of public services or the planning commission when larger setbacks are found necessary for safety or stability or to prevent damage to adjoining properties from deposition or erosion or to provide access for maintenance of the slope and slope drainage. Retaining walls may be used to reduce the required setbacks when permitted by the director of public services or the planning commission. Required setbacks are:

- (a) *Setbacks from property lines.* The tops of cuts and toes of fills shall be set back from the outer boundaries of the site as shown in figure 1a.

- (b) *Setbacks from structures.* The tops of cuts and toes of fills shall be set back from structures as shown in figure 1.
- (c) *Setbacks from stream channels.* No grading which would require a permit under this chapter shall be permitted within fifty (50) feet of a bank of Belmont or East Laurel creeks except grading necessary to assure adequate stream flow and channel maintenance.

(Ord. No. 854, § 1, 11-26-91)

Editor's note—Figures 1 and 1a, referred to in subsections (a) and (b), are not included herein.

9-41. Drainage and terracing.

Adequate provision shall be made to prevent any surface waters from damaging the cut face of an excavation, or any portion of a fill. All drainage ways and structures shall carry surface waters, without producing erosion, to the nearest practical street storm drain or natural water course approved by the director of public services as a safe place to deposit and receive such waters. The director of public services may require such drainage structures to be constructed or installed as necessary to prevent erosion, or to prevent saturation of the fill or material behind cut slopes. Drainage structures shall be provided which are adequate to dispose of surface waste or debris during grading. Benched building lots shall be prohibited in cases where reasonable, alternative foundation designs are available which would reduce overall grading. For minimum standards of drainage and terracing, see chapter 70 of the UBC. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-42. Erosion control.

The faces of cut and fill slopes shall be prepared and maintained to control against erosion during and after grading. Erosion control may consist of effective planting, berms, silt basins, check dams, terraces, crib walls, and other such measures which have been approved by the director of public services. Erosion control shall be completed within thirty (30) days of cessation of grading work, or as otherwise specified by the director of public services. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-43. Planting for erosion control.

Whenever ground cover, shrubs, trees or other vegetation have been removed pursuant to lawful

grading, the grader shall restore and maintain approved drought-tolerant ground cover or other erosion control as required by permit. The director of public services may require the planting of interim ground cover if necessary to prevent erosion during the period from initial grading to the construction of any buildings and reestablishment of permanent vegetation cover. When slopes too steep to support continuous ground cover are permitted, screening shall be accomplished by placing vines and plantings in niches and ledges set in the slopes. Cuts and fills along public roads, roadside trails or paths may be required to be landscaped to blend into the natural surroundings. All plant materials to be used shall be specified by the permittee and approved by the director of public services. Topsoil shall be stockpiled during rough grading and returned to graded surfaces;. Additional topsoil shall be procured, if needed, so that all graded areas, including cut slopes, will be covered with at least eight (8) inches of topsoil after grading has been completed. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-44. Protected trees.

Protected trees shall be preserved whenever possible. Protected trees shall be protected from damage during grading per the city's standard details and any required arborist recommendations. The requirements of chapter 25 regarding permits for tree removal shall also be met. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-45. Dumping.

All dumping of excavated materials shall be in accord with provisions of article VI "Filling and Dumping," City Code. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-46. Blasting.

No blasting shall be permitted on the site without a special permit from the planning commission. (Ord. No. 854, § 1, 11-26-91)

Sec. 9-47. Retaining wall design.

All retaining walls visible from the public right-of-way which are greater than three (3) feet in height shall be of such a design as to conform with

the natural setting and surroundings by meeting the following standards:

- (a) Retaining walls shall be of a medium to dark earthtone color.
- (b) Retaining walls shall be articulated in either a vertical or horizontal plane, e.g. advancing and receding vertical faces of walls or articulated top of wall.
- (c) The materials of the walls shall not be wire cut concrete block or similar materials.
- (d) Materials to be used shall provide a rough texture such as natural stone, brick veneer, fluted or split face stone, crib block, wood, or similar materials.

(Ord. No. 854, § 1, 11-26-91)

ARTICLE V. EXCEPTIONS, REVOCATIONS, SUSPENSIONS, EXPIRATION, APPEALS, FEES, BONDS AND PENALTIES

Sec. 9-48. Exceptions.

Exceptions to the provisions of this chapter may be authorized by the planning commission upon making all of the following findings:

- (a) Site conditions are such that it is impractical or impossible to comply with all provisions of this chapter.
 - (b) The exception is necessary for the owner to accommodate reasonable use of the site.
 - (c) The exception will not impair public safety.
- (Ord. No. 854, § 1, 11-26-91)

Sec. 9-49. Suspension, restoration and revocation of permit.

(a) Any permit issued under the provisions of this chapter shall be suspended by the director of public services upon finding that the terms of the permit are being violated. The suspension shall be in writing and the permittee shall stop all work immediately upon receiving such notification.

(b) The director of public services may determine that the violations of the terms of the permit have been remedied and restore a suspended permit, requiring as a condition of such restoration any measure found necessary to compensate for or repair any damage resulting from the violation of the terms of the permit.

(c) A suspended permit may be permanently revoked only by the planning commission following written notice to the permittee and a public hearing. To do additional grading, the holder of a revoked permit must file a new application for a grading permit.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-50. Expiration of permit.

A grading permit will expire if grading has not begun within one (1) year of issuance or is not completed within one and one-half (1½) years of starting work or is not completed according to a schedule approved as a part of the permit.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-51. Transfer of permit.

A grading permit may be transferred to another person upon notification and certification to the satisfaction of the director of public services that the new permittee is willing and able to accept responsibility for any grading already undertaken and to meet all of the permit conditions.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-52. Appeals.

(a) All administrative decisions made in accord with provisions of this chapter may be appealed to the planning commission.

(b) The owner of the property where grading is proposed, the applicant, or interested persons, defined as those owning property within three hundred (300) feet of the proposed grading, may appeal planning commission decisions to the city council. Planning commissioners and staff who participated in the decision may not appeal to the city council.

(c) Appeals to the city council must be made within ten (10) days of the decision of the planning commission. Appeals shall be made on a form provided by the planning department. In addition to any other information deemed necessary by the planning director, the form shall request the reasons for appeal and why the applicant is eligible to appeal under this section.

(Ord. No. 854, § 1, 11-26-91)

Sec. 9-53. Fees and deposits.

Filing fees and deposits shall be as established by resolution of the city council as amended from time to time. The filing fee shall be set to cover